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Referendum Vote To Overturn Previously Approved Gaming Compacts.

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

September 23, 1998

TO: All County Elections Officials and Proponent (98358)

FROM: Cathy Mitchell
Cathy Mitchell
Program Manager, Initiative and Ballot Pamphlet Program

SUBJECT: REFERENDUM # 824

Pursuant to Elections Code section 9002 we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed referendum measure entitled:

#824

Referendum Vote to Overturn Previously Approved Gaming Compacts.

The proponent of the above-named measure is:

Richard M. Milanovich
c/o Reed and Davidson
ATTN: Ira Glasky, Esq.
520 South Grand Avenue, Suite 700
Los Angeles, CA 90071
(213) 624-6200

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#824

Referendum Vote to Overturn Previously Approved Gaming Compacts.

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 9(b)
2. Enactment Date:.....Friday, 08/28/98
SB 287, Chapter 409, Statutes of 1998
3. Official Summary Date:..... Wednesday, 09/23/98
Elections Code section (EC§) 9002
4. Last day for county election official to determine total number of qualified voters who signed the petition and report results to the Secretary of State (certification deadline). Secretary of State will certify results based on county certifications by this day.
California Constitution, Article II, Section 9(B):..... Thursday, 11/26/98¹

Verification Procedures:

- a. The county elections official shall determine the total number of signatures affixed to the petition and transmit that information to the Secretary of State within eight working days after the filing of the petition (EC § 9030(b)).
- b. Secretary of State determines whether the total number of signatures filed with all county clerks/registrars of voters meets the minimum number of required signatures, and notifies the counties (EC §9030(c)).
- c. Within 30 working days of notification, county election officials determine total number of qualified voters who signed the petition. If more than 500 names have been signed on sections, the elections official shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. Upon completion of this examination the official shall immediately transmit the certificate, showing the result of the examination and a blank copy of the petition to the Secretary of State (EC §9030(d,e)).
- d. Secretary of State determines whether the total number of signatures filed with all county clerks/registrars of voters meets the minimum number of required signatures, and notifies the counties (EC §9030(f,g)).
- e. Within 30 working days of notification, county election officials determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(a,b,c)).
- f. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033).

¹ EC§ 15 is not applicable because the 90-day deadline is set in the California Constitution.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on petitions for any purpose other than to qualify the measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,104, 9010, 9011, 9020, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the measure that was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When someone presents a petition to the county elections official for filing other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

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DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

September 23, 1998

FILED
In the office of the Secretary of State
of the State of California

SEP 23 1998

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

RE: REFERENDUM TITLE AND SUMMARY
SUBJECT: REFERENDUM VOTE TO OVERTURN PREVIOUSLY
APPROVED GAMING COMPACTS.
FILE NO: SA 98 RF 0018

BILL JONES, Secretary of State
By *Deirdre Avent*
Deputy Secretary of State

Dear Mr. Jones:

Pursuant to the provisions of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified referendum our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Connie Lemus
CONNIE LEMUS
Initiative Coordinator

CL:fec
Enclosures

Date: September 23, 1998
File No.: SA98RF0018

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REFERENDUM VOTE TO OVERTURN PREVIOUSLY APPROVED GAMING

COMPACTS. If signed by required number of electors and filed with the Secretary of State by November 26, 1998, this petition will nullify Chapter 409, Statutes of 1998, previously approved by the Legislature and Governor, unless Chapter 409 is approved by a majority of voters at a later general or special statewide election. Chapter 409 ratifies 11 tribal-state compacts concluded pursuant to federal law; provides procedures for ratifying future compacts; acknowledges tribes' right to negotiate different compacts; declares Governor responsible for negotiation of compacts; authorizes Governor to waive state's immunity to suit by tribes.

Richard M. Milanovich
645 South Camino Real
Palm Springs, California 92264

SA98RF0018
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SEP 18 1998

September 18, 1998

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

The Honorable Dan Lungren
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814
ATTN: Ms. Connie Lemus

PERSONAL DELIVERY

Re: Request for Referendum Title and Summary

Dear Mr. Lungren:

On September 1, 1998, I requested you to prepare a title and summary for a referendum on Chapter 409, Statutes of 1998 (Senate Bill 287). On September 11, 1998, I directed my attorneys, Reed & Davidson, to withdraw this request. At that time, your office stated that a letter containing my original signature was required to withdraw the request. I never signed such a withdrawal letter. Today, I renew my request for a title and summary. Enclosed is another copy of the text of the bill.

If you have any questions, please contact Ira Glasky, Esq. of Reed and Davidson. Thank you for your assistance.

Sincerely,


RICHARD M. MILANOVICH
Proponent

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REFERENDUM AGAINST AN ACT PASSED BY THE LEGISLATURE

This law proposed by Chapter 409, Statutes of 1998 (Senate Bill 287) is submitted to the people as a referendum in accordance with the provisions of Article II, Section 9 of the California Constitution.

PROPOSED LAW

SECTION 1. Section 12012.5 is added to the Government Code, to read:

12012.5. (a) The following tribal-state compacts entered in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(1) The compact between the State of California and the Barona Band of Mission Indians, executed on August 12, 1998.

(2) The compact between the State of California and the Big Sandy Rancheria of Mono Indians, executed on July 20, 1998.

(3) The compact between the State of California and the Cher-Ae Heights Indian Community of Trinidad Rancheria, executed on July 13, 1998.

(4) The compact between the State of California and the Jackson Rancheria Band of Miwuk Indians, executed on July 13, 1998.

(5) The compact between the State of California and the Mooretown Rancheria of Concow/Maidu Indians, executed on July 13, 1998.

(6) The compact between the State of California and the Pala Band of Mission Indians, as approved by the Secretary of the Interior on April 25, 1998.

(7) The compact between the State of California and the Redding Rancheria, executed on August 11, 1998.

(8) The compact between the State of California and the Rumsey Indian Rancheria of Wintun Indians of California, executed on July 13, 1998.

(9) The compact between the State of California and the Sycuan Band of Mission Indians, executed on August 12, 1998.

(10) The compact between the State of California and the Table Mountain Rancheria, executed on July 13, 1998.

(11) The compact between the State of California and the Vicjas Band of Kumeyaay Indians, executed on or about August 17, 1998.

The terms of each compact apply only to the State of California and the tribe that has signed it, and the terms of these compacts do not bind any tribe that is not a signatory to any of the compacts.

(b) Any other compact entered into between the State of California and any other federally recognized Indian tribe which is executed after August 24, 1998, is hereby ratified if (1) the compact is identical in all material respects to any of the compacts ratified pursuant to subdivision (a), and (2) the compact is not rejected by each house of the Legislature, two-thirds of the membership thereof concurring, within 30 days of the date of the submission of the

compact to the Legislature by the Governor. However, if the 30-day period ends during a joint recess of the Legislature, the period shall be extended until the fifteenth day following the day on which the Legislature reconvenes. A compact will be deemed to be materially identical to a compact ratified pursuant to subdivision (a) if the Governor certifies that it is materially identical at the time he or she submits it to the Legislature.

(c) The Legislature acknowledges the right of federally recognized tribes to exercise their sovereignty to negotiate and enter into compacts with the state that are materially different from the compacts ratified pursuant to subdivision (a). These compacts shall be ratified upon approval of each house of the Legislature, a majority of the membership thereof concurring.

(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes in the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands. Nothing in this section shall be construed to deny the existence of the Governor's authority to have negotiated and executed tribal-state compacts prior to the effective date of this section.

(e) The Governor is authorized to waive the state's immunity to suit in federal court in connection with any compact negotiated with an Indian tribe or any action brought by an Indian tribe under the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.).

(f) In deference to tribal sovereignty, the execution of, and compliance with the terms of, any compact specified under subdivision (a) or (b) shall not be deemed to constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Nothing in this section shall be interpreted to authorize the unilateral imposition of a statewide limit on the number of lottery devices or of any allocation system for lottery devices on any Indian tribe that has not entered into a compact that provides for such a limit or allocation system. Each tribe may negotiate separately with the state over these matters on a government-to-government basis.

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